

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

ALPHONSO LAMONT TAYLOR

BANKRUPTCY NO.: 20-41507-MLO
CHAPTER 7
HONORABLE MARIA L. OXHOLM

DEBTOR

MARGUERITE HAMMERSCHMIDT (P53908)

Attorney for Debtor
26676 Woodward Ave
Royal Oak, MI 48067
(248) 988-8335

CRAIG S. SCHOENHERR, SR. (P32245)

Attorney for Creditor
Sterling Town Center
12900 Hall Road, Suite 350
Sterling Heights, MI 48313-1151
(586) 726-1000

**MOTION OF SANTANDER CONSUMER USA INC. DBA CHRYSLER CAPITAL AS
SERVICER FOR CCAP AUTO LEASE LTD. FOR RELIEF FROM THE AUTOMATIC
STAY AND FOR WAIVER OF PROVISIONS OF FRBP 4001(a)(3)**

Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. (“Creditor”), pursuant to 11 U.S.C. §§ 361-363 and L.B.R. 9014-1 and 4001-1 (E.D.M.), states for its Motion for Relief from the Automatic Stay as follows:

1. This Court has jurisdiction over the proceeding pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157.
2. On or about February 3, 2020, Alphonso Lamont Taylor filed a Voluntary Petition for Relief under Chapter 7 of the Bankruptcy Code.

3. Debtor entered into a Lease Agreement (Exhibit 6) with Creditor, whereby Debtor leased a 2017 Dodge Ram 1500 bearing Vehicle Identification No. 3C6RR7KT4HG524148, from the Creditor.

4. There is an outstanding balance owing to the Creditor under the terms of the Lease Agreement in the amount of \$28,338.03.

5. The account is past due for the July 28, 2019, payment for a total past due of \$4,813.44.

6. The Creditor has been unable to verify full-coverage insurance on the vehicle.

7. Pursuant to 11 U.S.C. § 362(d)(2), the Debtor has no equity in the vehicle as the vehicle is the property of the Creditor.

8. Concurrence of opposing counsel in the relief sought was requested on February 21, 2020, and no response was received.

9. The proposed Order for Relief from the Automatic Stay is attached as Exhibit 1.

In conclusion, the Creditor respectfully requests the entry of the attached Order for Relief from the Automatic Stay (Exhibit 1).

/s/ Craig S. Schoenherr, Sr.

CRAIG S. SCHOENHERR, SR. (P32245)
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DATED: February 24, 2020

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

ALPHONSO LAMONT TAYLOR

DEBTOR

BANKRUPTCY NO.: 20-41507-MLO
CHAPTER 7
HONORABLE MARIA L. OXHOLM

/

ORDER FOR RELIEF FROM AUTOMATIC STAY AS TO SANTANDER CONSUMER USA INC. DBA CHRYSLER CAPITAL AS SERVICER FOR CCAP AUTO LEASE LTD.

Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. (“Creditor”), the owner of the 2017 Dodge Ram 1500 bearing Vehicle Identification Number 3C6RR7KT4HG524148, having filed its Motion for Relief from the Automatic Stay; no parties having filed an objection to the Motion pursuant to the Notice of Motion; the Certificate of No Response having been filed on this Motion:

IT IS ORDERED that:

- 1) The Automatic Stay of 11 U.S.C. §362(a) is terminated as to the interest of Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. in the 2017 Dodge Ram 1500 bearing Vehicle Identification Number 3C6RR7KT4HG524148.
- 2) The Creditor is free to pursue its applicable non-bankruptcy remedies with respect to its interest in the subject vehicle.
- 3) Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and the Creditor may immediately enforce and implement this Order.

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/

**NOTICE OF MOTION OF SANTANDER CONSUMER USA INC. DBA CHRYSLER
CAPITAL AS SERVICER FOR CCAP AUTO LEASE LTD.
FOR RELIEF FROM THE AUTOMATIC STAY**

Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. has filed papers with the court to terminate the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to terminate the Automatic Stay, or if you want the court to consider your views on the Motion for Relief from the Automatic Stay within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position, at¹:

Clerk of the Court
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

CRAIG S. SCHOENHERR, SR. (P32245)
Attorney for Creditor
O'REILLY RANCILIO P.C.
12900 Hall Road, Suite 350
Sterling Heights, MI 48313-1151

DOUGLAS ELLMANN
Trustee
308 West Huron
Ann Arbor, MI 48103-4204

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

/s/ Craig S. Schoenherr, Sr.

Date: February 24, 2020

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¹Response or answer must comply with Fed. R. Civ. P. 8(b), (c) and (e)

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**BRIEF IN SUPPORT OF MOTION OF SANTANDER CONSUMER USA INC. DBA
CHRYSLER CAPITAL AS SERVICER FOR CCAP AUTO LEASE LTD.
FOR RELIEF FROM THE AUTOMATIC STAY**

The Creditor, in support of its Motion for Relief from the Automatic Stay, relies on 11 U.S.C.

§§ 361-363 and L.B.R. 9014-1 and 4001-1 (E.D.M.).

/s/ Craig S. Schoenherr, Sr.

CRAIG S. SCHOENHERR, SR. (P32245)
Attorney for Creditor
O'REILLY RANCILIO P.C.
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DATED: February 24, 2020

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**PROOF OF SERVICE OF MOTION OF SANTANDER CONSUMER USA INC. DBA
CHRYSLER CAPITAL AS SERVICER FOR CCAP AUTO LEASE LTD.
FOR RELIEF FROM AUTOMATIC STAY**

CRAIG S. SCHOENHERR, SR., being duly sworn, says that on the 24th day of December, 2020, a copy of the Motion for Relief from the Automatic Stay, Brief in Support, Notice of Motion and this Proof of Service was served upon:

Marguerite Hammerschmidt
Attorney for Debtor
26676 Woodward Ave
Royal Oak, MI 48067

Douglas Ellmann
Chapter 7 Trustee
308 West Huron
Ann Arbor, MI 48103-4204

Alphonso Lamont Taylor
15525 Woodbine
Redford, MI 48239

electronically pursuant to the court notice of service, and to those not electronically registered by placing the documents in an envelope, correctly addressed and placing same in the United States Mail with postage prepaid.

/s/ Craig S. Schoenherr, Sr.

CRAIG S. SCHOENHERR, SR. (P32245)

Attorney for Creditor

O'REILLY RANCILIO P.C.

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